

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Docket No. 17-cv-11815

**MELISSA WILLIS AND RALPH TONEY,
INDIVIDUALLY AND AS THE PERSONAL
REPRESENTATIVES OF THE ESTATE OF
KYZR LEE WILLIS; AND RALPH TONEY, JR.,
Plaintiff,**

V.

**CITY OF BOSTON; MARTIN J. WALSH,
MAYOR OF BOSTON; WILLIAM MORALES,
BOSTON CENTERS FOR YOUTH AND
FAMILIES COMMISSIONER; FREDERICK B.
AHERN, JR., CURLEY COMMUNITY CENTER
DIRECTOR AND ADMINISTRATIVE
COORDINATOR; ALLISON BAKER, CURLEY
COMMUNITY CENTER SUMMER PROGRAM
SUPERVISOR; JANE DOE, CURLEY
COMMUNITY CENTER CAMP COUNSELOR,
Defendants.**

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1441, the Defendant, Martin J. Walsh, hereby petitions for the removal of the action entitled, Melissa Willis and Ralph Toney, Individually and as the Personal Representatives of the Estate of Kyzr Lee Willis; and Ralph Toney, Jr. v. City of Boston; Martin J. Walsh, Mayor of Boston; William Morales, Boston Centers for Youth and Families Commissioner; Frederick B. Ahern, Jr., Curley Community Center Director and Administrative Coordinator; Allison Baker, Curley Community Center Summer Program Supervisor; Jane Doe, Curley Community Center Camp Counselor, Docket No. 1784CV03043, from the Suffolk Superior Court Department of the Trial Court of the Commonwealth of Massachusetts, where it is currently pending.

As reasons for this petition, the Defendant states as follows:

1. This action, brought pursuant to 42 U.S.C. § 1983, alleges *inter alia*, that Martin J. Walsh violated Kyzr Lee Willis' civil rights under the United States Constitution. Specifically, Plaintiff alleges that Defendant Martin J. Walsh deprived Kyzr Lee Willis of his "life and liberty interests which are protected by the Due Process Clause of the Fourteenth Amendment of the United States Constitution"). See Plaintiff's Complaint, attached hereto as Exhibit 1).
2. The Plaintiff's claims for relief clearly arise under the Constitution, treaties or laws of the United States and therefore is subject to removal under 28 U.S.C. § 1441(b).
3. A fair reading of the facts and theories as a whole makes it apparent that federal constitutional law and issues are essential to this case and therefore the Defendant has a statutory right to remove this action.
4. This Notice of Removal is being filed within thirty days after Martin J. Walsh was served with the Complaint. Defendant Martin J. Walsh was served with the Complaint on September 21, 2017. See Summons, attached hereto as Exhibit 2.
5. All properly served Defendants have consented to the removal of this action.
6. The Civil Action Cover Sheet is attached hereto as Exhibit 3.
7. The Category Sheet is attached hereto as Exhibit 4.

[signature on following page]

Respectfully submitted,
DEFENDANT MARTIN J. WALSH

By his attorneys,

Eugene L. O'Flaherty
Corporation Counsel

/s/ Nicole M. O'Connor
Nicole M. O'Connor (BBO#675535)
Senior Assistant Corporation Counsel
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Date: September 21, 2017

CERTIFICATE OF SERVICE

I, Nicole M. O'Connor, hereby certify that on this date I served a copy of the foregoing document via mail to counsel for the Plaintiff:

Robert M. Griffin
Vikas S. Dhar
Dhar Law LLP
One Constitution Center, Suite 300
Charlestown, MA 02129

Date: September 21, 2017

/s/ Nicole M. O'Connor
Nicole M. O'Connor